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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of
MOURITSEN et al
Serial No. 08/955,373
Filed: October 21, 1997



Group Art Unit 1644
Examiner Schwadron

For: INDUCING ANTIBODY RESPONSE AGAINST SELF-PROTEINS
WITH THE AID OF FOREIGN T-CELL EPITOPES

RESPONSE

RECEIVED

Asst. Commissioner of Patents
Washington, D.C. 20231

MAY 17 1999

Sir:

MATRIX CUSTOMER
SERVICE CENTER

This is in response to the Office Action mailed April 26, 1998 (Paper No. 8).

Claims 13-25, 27 and 44 have been cancelled. Claims 26, 28-43, 45 and 46 are under consideration.

The Examiner states this application contains claims directed to the following patentably distinct species of the claimed invention:

- A) a method using a modified self-protein (claim 26);
- and
- B) a method using a modified self-protein/cytokine fusion protein (claims 29-43).

These methods use different proteins that are said to be structurally and functionally different (e.g., one method uses a fusion protein wherein the other does not).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. According to the Examiner, no claim is generic.

Applicants elect species A. Claims 26, 28, 45 and 46 are readable on the elected species.


Applicants respectfully submit that claim 26 is generic and that species B should be allowable if the generic claim is found allowable since the additional species is written in dependent form as provided by 37 C.F.R. 1.141.

In view of the foregoing, early and favorable action is respectfully requested.

Respectfully submitted,

JACOBSON, PRICE, HOLMAN & STERN, PLLC

By



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